

REMARKS

Claims 1, 4, 6, 8 and 10 have been amended. Claims 2, 3 and 5 have been canceled. Thus, claims 1, 4 and 6-10 remain presented for examination. Support for the amendment to claim 1 may be found in original claims 2 and 3, and in the specification at page 8, lines 4-8. Support for the amendment to claim 6 may be found in the specification at page 18, lines 12 and 13. Since these amendments do not add new matter, entry thereof is respectfully requested.

Rejection under 35 U.S.C. § 112, second paragraph

Claim 8 was rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite based on recitation of the phrase "is formed without attaching a sheet of raw material to the portion or discontinuously attaching the sheet of raw material." Claim 8 as amended no longer recites this term, thus rendering the rejection moot.

In view of the comments presented above, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

Rejection under 35 U.S.C. § 102(b)/§103(a)

Claims 1-7 and 9-10 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Fujiki et al. (WO 03/027950) with evidence by Fujiki et al. (US 2004/0262404) which is the English language equivalent of this PCT publication.

Claim 8 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the same reference.

Claim 1 as amended recites that (i) the tape body comprises a first base material and a second base material having a plurality of penetrating openings; and (ii) all of the IC chip is inserted into the penetrating openings in a non-exposed state. This results in a tape in which an IC tip is protected from any externally applied impact since the entire IC chip is embedded in the penetrating openings without increasing the thickness of the second base material.

In contrast, Fujiki et al. neither discloses nor suggests a second base material having a plurality of penetrating openings, or that the IC chip is inserted into a plurality of penetrating openings. Thus, claim 1, as well as claims 4, 6, 8, and 10 which depend either directly or indirectly on claim 1, cannot be anticipated by this reference.

Appl. No.: 10/582, 190
Filed: March 21, 2007

In addition, the present claims are not rendered obvious by this reference. At paragraph [0065] of US 2004/0262404, Fujiki et al. discloses that "the data storing unit 21 (IC chip, see paragraph [0058]) in the circuit element 20 has a greater thickness than the transceiver unit 22, and hence the data storing unit 21 tends to be easily affected by impacts externally applied." In view of this problem, Fujiki et al. then describe a preferred configuration at paragraphs [0066]-[0067] in which the IC chip is surrounded by adhesive layer 16 and covered by protection sheet 17. At paragraph [0056] of 2004/0262404, Fujiki et al. discloses that "the configuration in which the circuit element 20 is disposed on the laminate 11 or the backside protection sheet 17 is preferable since the manufacturing cost thereof can be reduced." Thus, Fujiki et al. teach away from the currently claimed invention in which all of the IC chip is inserted into the penetrating openings in a non-exposed state. Thus, the present claims are not rendered obvious by the cited reference.

In view of the comments presented above, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 102(b)/§103(a).

CONCLUSION

Applicants submit that all claims are in condition for allowance. However, if minor matters remain, the Examiner is invited to contact the undersigned at the telephone number provided below. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 4/10/09

By: 

Neil S. Bartfeld, Ph.D.
Registration No. 39,901
Agent of Record
Customer No. 20,995
(619) 235-8550